

2 CHARLESGATE WEST  
BOSTON, MA 02215  
1-617-369-1000  
www.tnci.com

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August 11, 2005



**VIA FEDERAL EXPRESS DELIVERY SERVICE**  
**TRACKING NUMBER 8533 2831 9871**

**Ms. Darlene Standley, Utilities Division Chief**  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

Re. Docket No 05-00147 – Petition for permission to appear at hearing via telephone

Dear Ms. Standley:

Transmitted herewith on behalf of Trans National Communications International, Inc ("TNCI"), please find an original and four (4) copies of the above-referenced petition for filing with the Tennessee Regulatory Authority in Docket No. 05-00147. Further, please find a CD-R containing a softcopy of the aforementioned petition. Finally, TNCI has also enclosed a check in the amount of \$25.00 representing the required filing fee.

The Company sincerely appreciates your time and attention to this matter. Please direct any questions regarding this filing to the undersigned at (617) 369-1163 or via electronic mail at [cnance@tnci.com](mailto:cnance@tnci.com)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cameron Nance", is written over a horizontal line.

Cameron Nance  
Regulatory Affairs Department

Enclosures Stated  
cc. File

**PAID T.R.A.**

Chk # 015903

Amount 25.00

Rcvd By LR

Date 8-12-05

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**IN THE MATTER OF THE                   §  
APPLICATION OF TRANS               §  
NATIONAL COMMUNICATIONS       §  
INTERNATIONAL, INC. FOR A       §  
CERTIFICATE TO PROVIDE       §  
COMPETING LOCAL EXCHANGE   §  
TELECOMMUNICATIONS SERVICES §**

**Docket No. 05-00147**

**PETITION FOR PERMISSION TO APPEAR VIA TELEPHONE AT HEARING  
REQUIRED BY CHAPTER 1220-4-8-.04 (2) OF THE RULES OF THE  
TENNESSEE REGULATORY AUTHORITY**

**NOW COMES TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC., ("TNCI")** by and through its undersigned representative and herein petitions the TENNESSEE REGULATORY COMMISSION ("TRA") for permission to appear at the Commission's hearing required by Chapter 1220-4-8-.04 (2) of the rules of the TRA ("Rules") in the above-styled proceeding via telephone. The Company offers the following in support thereof

**I**

**AUTHORITY ALLOWING TNCI TO REQUEST PERMISSION TO APPEAR  
AT HEARING VIA TELEPHONE**

On May 16, 2005, TNCI petitioned the TRA for local exchange service operational authority in accordance to Chapter 1220-4-8-.03 of the Rules. Rule 1220-4-8-.04 (2) states that as part of the application process for local exchange authority the TRA requires a hearing to consider the merits of the applicant's petition, however, the rule is silent as to whether the applicant must physically be present at the geographic location of

the hearing, or whether alternative participation avenues exist. Moreover, Rule 1220-1-1-.08 holds that “[a]ny person seeking permission to take some action not otherwise covered by these rules may file a petition setting forth the nature of the relief sought, the jurisdiction of the Authority to grant such relief, and the grounds for granting that relief.” Hence, due to the apparent absence of a Rule(s) requiring a party to a TRA local service application proceeding to physically attend the geographic location of the hearing, and due to an apparent absence of a Rule(s) expressly prohibiting such conduct, it appears that pursuant to Rule 1220-1-1-.08 TNCI may petition the TRA to exercise its discretionary authority and grant the relief requested in this matter.

## II.

### **TRA’s AUTHORITY TO GRANT TNCI’s REQUEST TO ATTEND HEARING VIA TELEPHONE**

Pursuant to Rule 1220-1-1-.05 the TRA may “[f]or good cause, including expediting the disposition of any matter...waive the requirements or provisions of any of these rules in a particular proceeding, on motion of a party or on its own motion, except when a rule embodies a statutory requirement.” As such, the TRA has express authority to modify rule 1220-4-8-.04 (2) to specify whether physical attendance is required of a party to a proceeding (in this case TNCI), or whether attendance via telephone is sufficient for purposes of satisfying Rule 1220-4-8-.04 (2). In the instant motion, TNCI seeks not to have the hearing waived, but *slightly modified* in the interests of administrative efficiency and in consideration of TNCI’s scarce economic and personnel resources. In sum, as Tennessee statutory provisions neither require the Rule 1220-4-8-.04 (2) hearing to be conducted in the physical presence of all participating parties at a common geographic

location, nor expressly prohibit a party's appearance via functionally equivalent media (e.g., video conference or telephone), the TRA may reasonably presume discretionary authority to grant TNCI's instant motion within the spirit of Rule 1220-1-1-.05. It is important to note that regardless of whether a representative of TNCI physically appears before the TRA or does so via alternative media, the end result remains the same: direct examination of TNCI under oath by the TRA; however, should the TRA grant the instant motion, it will result in a more equitable and efficient dispensation of Docket No. 05-00147 without violating applicable State of Tennessee laws or Rules.

### III.

#### **FACTS SUPPORTING TNCI's REQUEST TO PARTICIPATE IN HEARING VIA TELEPHONE**

**Unreasonable Economic Burden** - It would be unnecessarily economically burdensome to require TNCI to physically attend the TRA's hearing about the Company's application for authority to provide local exchange telecommunications services. TNCI is a small reseller of local and long distance services headquartered in the state of Massachusetts, and has scarce economic and personnel resources. For example, due to a recent organizational realignment, Mr. ED ARIEL, the TNCI witness whose testimony comprises the Company's pre-filed testimony submitted as part of TNCI's May 16, 2005 application no longer serves as Director of Regulatory Affairs, and as a result, the undersigned representative is the Company's sole employee tasked with issues specific to regulatory and governmental affairs. Therefore, in addition to representing an undue financial challenge for TNCI to secure interstate transportation and accommodations for the hearing it would also result in acutely diminished personnel resources for the

Company. It is important to note that TNCI's employees have diverse responsibilities and are often tasked with various enterprise-critical duties

**Equivalent Alternative Solution** - Technology allows TNCI a more efficient and less economically burdensome means by which to participate in the above-noted hearing. In addition to participation via telephone, other media including video conferencing or Internet avenues may be appropriate alternatives in this instance.

**Illustrative (non-controlling) Precedent** – Although, clearly in no way binding on the TRA, TNCI respectfully notes that in two (2) previous applications for local exchange operational authority, the first in Arizona, the second in North Dakota, the respective commissions allowed TNCI to testify at hearings similar to the one at issue in this petition via telephone. In each case, the Company pre-filed testimony along with its application for local exchange service operational authority and appeared via telephone at public hearings wherein TNCI's application was the subject of consideration. In each case, TNCI affirmed under oath its pre-filed testimony during direct examination by the Commissioners and Staff and offered additional direct testimony information as requested. It is important to note that in each case the respective Commission subsequently granted TNCI's application for operating authority. Please note that TNCI does not wish convey the impression, either directly or impliedly, that the TRA is bound by the precedential actions of public utility commissions located in other states. It is not! Rather, TNCI respectfully submits the foregoing examples to illustrate how it is possible to successfully effect the substantive results required by Rule 1220-4-8-.04(2) (i.e., direct witness examination under oath) in the manner proposed in the instant petition.

**WHEREFORE, PREMISES CONSIDERED** TNCI respectfully requests that the TRA grant TNCI's petition to attend the hearing required as part of its local exchange carrier authority application process via telephone, or via some alternative media acceptable to the Commission, and/or other equitable relief as may seem appropriate to the TRA

AFFIRMED on August 11, 2005 in Suffolk County, Massachusetts



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**CAMERON NANCE**  
Regulatory Affairs Specialist  
2 Charlesgate West  
Boston, Massachusetts 02215  
(617) 369-1163 – Office  
(617) 369-1187 – Fax  
cnance@tnci.com – Email  
<http://www.tnci.com> – Internet

**CERTIFICATE OF SERVICE**

I, the undersigned CAMERON NANCE, being the duly authorized regulatory affairs representative for TNCI in Docket No. 05-00147 before the TRA, hereby affirm that to the best of my knowledge, understanding and belief the foregoing facts accurately represent the position of TNCI and that a true and correct copy of this Petition has been provided via First Class U S Mail on August 11, 2005 to the eighteen (18) Incumbent Local Exchange Service Providers Certificated in Tennessee (facilities-based), as reflected in **EXHIBIT A** of the instant petition

AFFIRMED and signed this 11th day of August, 2005 in the County of Suffolk, state of Massachusetts



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**CAMERON NANCE**

Regulatory Affairs Specialist

2 Charlesgate West

Boston, Massachusetts 02215

(617) 369-1163 – Office

(617) 369-1187 – Fax

cnance@tnci.com – Email

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**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**IN THE MATTER OF THE                   §  
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COMPETING LOCAL EXCHANGE   §  
TELECOMMUNICATIONS SERVICES §**

**Docket No. 05-00147**

**ORDER GRANTING TNCI'S PETITION FOR PERMISSION TO APPEAR VIA  
TELEPHONE AT THE HEARING REQUIRED BY CHAPTER 1220-4-8-.04 (2)  
OF THE RULES OF THE TENNESSEE REGULATORY AUTHORITY**

ON THIS DAY the Tennessee Regulatory Authority ("TRA") having considered the merits of the petition by TNCI for permission to participate in the TRA's hearing to consider the Company's application for authority to provide local exchange service within the state of Tennessee hereby grants TNCI's petition.

IT IS FURTHER ORDERED that TNCI will work with TRA Staff to arrive at a mutually agreed date and time upon which to hold the aforementioned hearing

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
Representative of the Tennessee Regulatory Authority

**EXHIBIT A**

List of Served Incumbent Local Exchange Service Providers

**LISTING**  
**INCUMBENT LOCAL EXCHANGE SERVICE PROVIDERS**  
**CERTIFICATED IN TENNESSEE**  
**(FACILITIES-BASED)**

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- 1) **ARDMORE TELEPHONE COMPANY, INC.**  
P.O. Box 549  
517 Ardmore Avenue  
Ardmore, TN 38449  
(205) 423-2131  
(205) 423-2208 (Fax)
  
- 2) **BELLSOUTH**  
333 Commerce Street  
Nashville, TN 37201-3300  
(615) 214-3800  
(615) 214-8820 (Fax)
  
- 3) **CENTURY TELEPHONE OF ADAMSVILLE**  
P.O. Box 405  
116 N. Oak Street  
Adamsville, TN 38310  
(901) 632-3311  
(901) 632-0232 (Fax)
  
- 4) **CENTURY TELEPHONE OF CLAIBORNE**  
P.O. Box 100  
507 Main Street  
New Tazewell, TN 37825  
(423) 626-4242  
(423) 626-5224 (Fax)
  
- 5) **CENTURY TELEPHONE OF OOLTEWAH-COLLEGEDALE, INC.**  
P.O. Box 782  
5616 Main Street  
Ooltewah, TN 37363  
(423) 238-4102  
(423) 238-5699 (Fax)
  
- 6) **CITIZENS COMMUNICATIONS COMPANY OF TENNESSEE**  
P.O. Box 770  
300 Bland Street  
Bluefield, WV 24701

**LISTING**  
**INCUMBENT LOCAL EXCHANGE SERVICE PROVIDERS**  
**CERTIFICATED IN TENNESSEE**  
**(FACILITIES-BASED)**

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- 7) **CITIZENS COMMUNICATIONS COMPANY OF THE VOLUNTEER STATE**  
P.O. Box 770  
300 Bland Street  
Bluefield, WV 24701
- 8) **LORETTO TELEPHONE COMPANY, INC.**  
P.O. Box 130  
Loretto, TN 38469  
(931) 853-4351  
(931) 853-4329 (Fax)
- 9) **MILLINGTON TELEPHONE COMPANY, INC.**  
**P.O. Box 429**  
4880 Navy Road  
Millington, TN 38083-0429  
(901) 872-3311  
(901) 873-0022 (Fax)
- 10) **SPRINT-UNITED**  
112 Sixth Street  
Bristol, TN 37620  
(423) 968-8161  
(423) 968-3148 (Fax)
- 11) **TDS TELECOM-CONCORD TELEPHONE EXCHANGE, INC.**  
P.O. Box 22610  
701 Concord Road  
Knoxville, TN 37933-0610  
(423) 966-5828  
(423) 966-9000 (Fax)
- 12) **TDS TELECOM-HUMPHREYS COUNTY TELEPHONE COMPANY**  
P.O. Box 552  
203 Long Street  
New Johnsonville, TN 37134-0552  
(931) 535-2200  
(931) 535-3309 (Fax)
- 13) **TDS TELECOM-TELLICO TELEPHONE COMPANY, INC.**  
P.O. Box 9

**LISTING**  
**INCUMBENT LOCAL EXCHANGE SERVICE PROVIDERS**  
**CERTIFICATED IN TENNESSEE**  
**(FACILITIES-BASED)**

---

102 Spence Street  
Tellico Plains, TN 37385-0009  
(423) 671-4600  
(423) 253-7080 (Fax)

**14) TDS TELECOM-TENNESSEE TELEPHONE COMPANY**

P.O. Box 18139  
Knoxville, TN 37928-2139  
(423) 922-3535  
(423) 922-9515 (Fax)

**15) TEC-CROCKETT TELEPHONE COMPANY, INC.**

P.O. Box 7  
Friendship, TN 38034  
(901) 677-8181

**16) TEC-PEOPLE'S TELEPHONE COMPANY, INC.**

P.O. Box 310  
Erin, TN 37061  
(931) 289-4221  
(931) 289-4220 (Fax)

**17) TEC-WEST TENNESSEE TELEPHONE COMPANY, INC.**

P.O. Box 10  
244 E Main Street  
Bradford, TN 38316  
(901) 742-2211  
(901) 742-2212 (Fax)

**18) UNITED TELEPHONE COMPANY**

P.O. Box 38  
120 Taylor Street  
Chapel Hill, TN 37034  
(931) 364-2289  
(931) 364-7202 (Fax)